

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BMO HARRIS BANK N.A.,

Plaintiff,

vs.

M & N TRANSPORT, LLC and  
MICHAEL TOMLINSON,

Defendants.

4:20-CV-3006

ORDER

This matter is before the Court on the Report & Recommendation of the United States Bankruptcy Judge ([filing 9](#)). No objections to that report and recommendation have been filed. The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. See [Leonard v. Dorsey & Whitney LLP, 553 F.3d 609 \(8th Cir. 2009\)](#). Accordingly, the Court will adopt the report and recommendation of the United States Bankruptcy Judge that the referral of this matter to the Bankruptcy Court be withdrawn to proceed with the litigation against defendant M & N Transport, LLC, while staying the case as to defendant Michael Tomlinson until the automatic stay is no longer in effect or relief from the automatic stay is requested and obtained from the Bankruptcy Court.<sup>1</sup>

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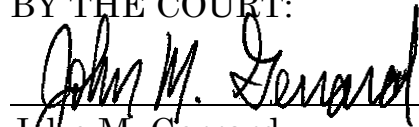
<sup>1</sup> The parties should know, however, that the Court may revisit the scope of the bankruptcy stay depending on the degree to which the debtor's interests are implicated by the legal theories pursued against M & N Transport, LLC. See [In re Panther Mountain Land Dev., LLC, 686 F.3d 916, 923-24 \(8th Cir. 2012\)](#) (discussing possibility of expanding automatic stay when presented with unusual circumstances with great identity of interest between parties.)

IT IS ORDERED:

1. The report and recommendation of the United States Bankruptcy Judge ([filing 9](#)) recommending withdrawal of the reference is adopted.
2. Reference of this case to the United States Bankruptcy Court for the District of Nebraska is withdrawn.
3. This case is administratively reopened.
4. This case is stayed as to Michael Tomlinson until the stay is no longer in effect pursuant to [11 U.S.C. § 362](#), or relief from the automatic stay is requested and obtained from the United States Bankruptcy Court.
5. The parties are directed to inform the Court every 60 days of the status of the bankruptcy proceeding.
6. The Clerk of the Court is directed to enter an initial status report deadline of May 4, 2020.

Dated this 4th day of March, 2020.

BY THE COURT:

  
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John M. Gerrard  
Chief United States District Judge